

**ENTERED**

January 23, 2023

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
LAREDO DIVISION

ALFONSO SALINAS,

Plaintiff,

VS.

SEÑOR WARDEN ALEMAN *et al.*,

Defendants.

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CIVIL ACTION NO. 5:21-CV-46

**ORDER**

On August 26 and 29, 2022, the Magistrate Judge issued a Report and Recommendation and an Amended Report and Recommendation, respectively (Dkt. Nos. 15, 17). Then, on November 18, 2022, the Magistrate Judge issued a Second Amended Report and Recommendation (Dkt. No. 19), which superseded the other two.

In the Second Amended Report, the Magistrate Judge concluded Plaintiff did not allege a cognizable *Bivens* claim against any Defendant and recommended dismissing this entire lawsuit (*id.*). The Second Amended Report also made clear that it superseded the first two Reports (*id.*). Based on a delivery date of December 5, 2022, Plaintiff's deadline to object to the Second Amended Report lapsed on December 19, 2022 (Dkt. Nos. 19, 20). Even though Plaintiff received notice of the Second Amended Report more than a month ago, the Court has not received any objections or communications from Plaintiff (Dkt. No. 20).

Having reviewed the Report and finding no clear error, the Report is hereby

**ADOPTED.** Plaintiff's claims against Defendants are **DISMISSED WITH PREJUDICE.**

Because Plaintiff has failed to state a claim upon which relief can be granted, this dismissal shall count as a strike under 28 U.S.C. § 1915(g)'s "three strikes rule." *See Coleman v. Tollefson*, 575 U.S. 532, 538–39 (2015). The Clerk of Court is **DIRECTED** to send notice of this dismissal to the Manager of the Three Strikes List for the Southern District of Texas at [Three\\_Strikes@txs.uscourts.gov](mailto:Three_Strikes@txs.uscourts.gov).

The Clerk of Court is **DIRECTED** to **TERMINATE** this action.

It is so **ORDERED**.

**SIGNED** January 23, 2023.

A handwritten signature in black ink, appearing to read "Marina Garcia Marmolejo", is written over a horizontal line.

Marina Garcia Marmolejo  
United States District Judge